

ARTHUR E. ROSS, #1005  
126 QUEEN STREET, SUITE 210  
HONOLULU, HAWAII 96813  
TELEPHONE NO. 521-2323

RORY SOARES TOOMEY, #2323  
1088 BISHOP STREET, SUITE 1004  
HONOLULU, HAWAII 96813  
TELEPHONE NO. 533-7162

Attorneys for Plaintiffs

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 05 2006

at 2 o'clock and 08 min. PM  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE  
KAAPUNI ET AL,

Plaintiffs,

vs.

CARLTON HELM, in his  
individual capacity, ET AL,

Defendants.

)  
) CIVIL NO. CV-04-00449-SOM-LEK  
)  
) DECLARATION OF RORY  
) SOARES TOOMEY; EXHIBIT  
) ONE; CERTIFICATE OF  
) SERVICE  
)  
) **HEARING:**  
)  
) DATE: January 17, 2006  
)  
) TIME: 9:30 a. m.  
)  
) JUDGE: Hon. Susan Oki Mollway  
)

DECLARATION OF RORY SOARES TOOMEY

**Rory Soares Toomey declares as follows**

1. I am the attorney for the Plaintiffs above-named.
2. On Friday, December 30, 2005, I filed a faxed copy of the

Declaration of Barbara Kalanikiekie Kaapuni pursuant to L. R. 10.2  
(E).

3, Attached hereto is the Original of that declaration,

**RORY SOARES TOOMEY SWEARS UNDER PENALTY OF  
FEDERAL LAW THAT THE FORGOING IS TRUE AND CORRECT.**

DATED: Honolulu, Hawaii January 5, 2006

  
RORY SOARES TOOMEY

Declaration of Rory Soares Toomey filed in the matter of Barbara Kalanikiekie  
Kaapuni te al, vs. Carlton Helm, in his individual capacity et al., in the United  
States District Court for the District of Hawaii Civil No. CV-04-00449-SOM-LEK

**EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE  
KAAPUNI ET AL,

Plaintiffs,

vs.

CARLTON HELM, in his  
individual capacity, ET AL,

Defendants.

)  
) CIVIL NO. CV-04-00449-SOM-LEK  
)

) DECLARATION OF BARBARA  
) KALANIKIEKIE KAAPUNI  
)

DECLARATION OF BARBARA KALANIKIEKIE KAAPUNI

**Barbara Kalanikiekie Kaapuni declares as follows:**

1. I am one of the Plaintiffs in this matter.
2. I make this declaration of my own personal knowledge unless otherwise indicated.
3. On the early morning of January 24, 2004, I was in my home located at 859 Kikipua Street, Kaunakakai, Hawaii 96748.
4. I do not have my own bedroom and as a result I sleep in the living room.
5. I was awake when the police forced their way into the locked house located at 859 Kikipua Street, Kaunakakai, Hawaii 96748.

5. The police did not knock at the door, announce themselves, or demand entry in to the house located at 859 Kikipua Street, Kaunakakai, Hawaii 96748.
6. Had they done so, I would have opened the door to them.
7. The First I knew that there were people entering my home when I heard the glass from the sliding doors shatter.
8. I first thought that there had been an explosion and that the people who entering my home were gang members robbing the house.

**BARBARA KALANIKIEKIE KAAPUNI SWEARS UNDER  
PENALTY OF FEDERAL LAW THAT THE FORGOING IS TRUE AND  
CORRECT.**

DATED: Kaunakakai, Hawaii, Dec. 30, 2005

Barbara Kalanikiekie Kaapuni  
BARBARA KALANIKIEKIE KAAPUNI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE	)	
KAAPUNI, JON HANS	)	CIVIL NO. CV-04-00449-SOM-LEK
KAAPUNI, Sr., PAMELA	)	
NOHOLANI KAAPUNI, JON	)	CERTIFICATE OF SERVICE
HANS KAAPUNI, Jr., FALLON	)	
KALANIKIEKIE KAAPUNI,	)	
AND TYRAH NOHOLANI	)	
KAAPUNI by her best friend	)	
JON HANS KAAPUNI, Sr.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
CARLTON HELM, in his	)	
individual capacity, STAG	)	
SAGARIO, in his individual capacity,	)	
CHRISTINA WILLIAMS, in her	)	
individual capacity, KELLY ARLOS,	)	
in his individual capacity, JAMIE	)	
WINFREY, in her individual capacity,	)	
HAROLD MANAOIS, in his individual	)	
capacity, KEANA BROWN,	)	
in her individual) capacity, AND	)	
THE COUNTY OF	)	
MAUI,	)	
	)	
Defendants.	)	
	)	


CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that on January 5, 2006, a copy of the attached document was served by United States Mail, first class postage prepaid upon:

MOANA M. RAMAYA  
200 S. HIGH STREET  
WAILUKU, HAWAII 96793

Attorney for Defendant  
COUNTY OF MAUI

DATED: Honolulu, Hawaii, January 5, 2006

  
\_\_\_\_\_  
ARTHUR E. ROSS

RORY SOARES TOOMEY

Attorneys Plaintiffs

BARBARA KALANIKIEKIE

KAAPUNI, JON HANS

KAAPUNI, Sr., PAMELA

NOHOLANI KAAPUNI, JON

HANS KAAPUNI, Jr., FALLON

KALANIKIEKIE KAAPUNI,

AND TYRAH NOHOLANI

KAAPUNI by her best friend

JON HANS KAAPUNI, Sr.